

**MINUTES OF THE ANNUAL MEETING OF THE  
WEBER RIVER DISTRIBUTION SYSTEM  
JANUARY 11, 2005, 1:00 P.M.  
LAYTON, UTAH**

The annual meeting of the Weber River Distribution System convened at Weber Basin Water Conservancy District headquarters, 2837 East Highway 193, Layton, Utah, at 1:00 p.m., on Tuesday, January 11, 2005.

**Present:**

Lee Sim, State Division of Water Rights  
John Mann, State Division of Water Rights  
Frank Quintana, State Division of Water Rights  
Jim Wells, State Division of Water Rights

**RECEIVED**

E. Blaine Johnson, Weber River Distribution System

D. A. Osguthorpe, Weber River Water Rights Committee  
Theo Cox, Weber River Water Rights Committee  
Dave Humphreys, Weber River Water Rights Committee  
Dennis Marchant, Weber River Water Rights Committee  
Pete Page, Weber River Water Rights Committee  
Scott Paxman, Weber River Water Rights Committee  
Ivan Ray, Weber River Water Rights Committee  
Ed Sorenson, Weber River Water Rights Committee  
Keith Steed, Weber River Water Rights Committee  
Dee Waldron, Weber River Water Rights Committee  
Dennis Wright, Weber River Water Rights Committee  
Sherrie Mobley, Weber River Water Rights Committee

FEB 07 2005  
MB  
WATER RIGHTS  
SALT LAKE

Connely Baldwin, Pacificorp

**I  
HEARING THE 2004 MINUTES**

The meeting was called to order by Chairman D.A. Osguthorpe of the Weber River Water Rights Committee. The minutes of January 13, 2004 were read by Sherrie Mobley. There were no changes or corrections. Motion was made by Dennis Wright, seconded by Dave Humphreys and passed, approving the minutes of the annual meeting of the Weber River Distribution System held January 13, 2004, as presented.

## II HEARING THE 2004 COMMISSIONERS REPORT

E. Blaine Johnson, Weber River Commissioner, presented his annual report. Commissioner Johnson extended appreciation for his five deputies: Alene Marchant, David Wright, Erma Carter, Lee Anderson and Terry Murphy. He stated Lee Anderson resigned in October, so the Weber County deputy position will be replaced in the spring. Commissioner Johnson reported the runoff for 2004 was below normal, but it was better than 2003.

Commissioner Johnson reported during 2004, there were 23,544 a.f. of water sent to the Provo River. Of that total, 18,127 a.f. were winter power water, 419 a.f. were from Application 9580 and the balance was delivered under Application 9569 (Deer Creek). In addition, 5,000 a.f. of Echo stock water were sent to the Provo River.

Commissioner Johnson updated the Committee on the following data:

- Smith & Morehouse Reservoir filled to 7,600 a.f.
- Echo Reservoir received full credit of 74,000 a.f.
- Wanship Reservoir received a maximum credit of 43,600 a.f. through direct storage and Willard exchanges.
- Lost Creek filled to 7,030 in early June.
- East Canyon filled to 27,300 a.f. for D&W, and Weber Basin received no runoff during the year.

Commissioner Johnson reported the waters of the Weber River and its tributaries were distributed according to the Weber River Decree of May 1937. However, the Weber River Decree does not cover all of the rights that water was delivered to. Many new applications have been filed with the Utah State Engineer, and these applications received water according to their priorities in relation to the other rights on the Weber River system.

Commissioner Johnson then gave the following data:

March 19 – Apr 30 & May 12 – June 4 May 8	Echo stock water to Provo River Began exchange of Willard water to Weber River
June 2 June 7 June 15 June 16 June 21 June 25	Cut Application 9580 off. Drought relief water pumped to D&W Canal Deer Creek application cut off Cut all flood rights to high Cut all rights to low except 25 day rights Began exchange of Pineview water to Weber River

**Page 3 - Weber River Dist. Sys. Annual Meeting - January 11, 2005**

July 1	Cut 25 day rights to low and 1890 off
July 6	Cut 1882 rights off
July 13	Cut 1875 rights off
July 15	Cut 1870 rights off
July 18	Put on 1875 rights except Park City
July 21	Put 50% of 1881 rights on
July 27	Cut 1875 rights off
July 30	Cut 1870 rights off
August 1	Cut 50% of 1869 rights off
August 19	Put 1869 rights on
August 23	Put 1880 rights on
August 25	Put 1881 rights on
September 25	Cut 1881 rights off

After discussion ceased, motion was made by Pete Page, seconded by Dave Humphreys and passed, approving Commissioner Johnson's 2004 Annual Report.

**III**  
**REVIEWING ANY CONCERNS OR COMMENTS RELATED TO THE**  
**COMMISSIONER'S WORK FOR 2004 OR RECOMMENDING THE APPOINTMENT**  
**OF THE WATER COMMISSIONER IF NECESSARY**

Chairman Osguthorpe reported Commissioner Johnson's term expires this year, and he has expressed his willingness to serve another term. Chairman Osguthorpe expressed his appreciation for the Commissioner and the job he does.

Dennis Wright expressed his opposition to the requirement that the Rights Committee must appoint the commissioner to a four year term. Lee Sim explained that although the law requires the four year appointment, it does allow for removal if there is cause. He explained that cause includes illness, retirement, unsatisfactory performance, etc. Lee stated the law was not meant to be burdensome, but to provide some security to the commissioner as well as the Rights Committee. Dennis Wright asked if the Rights Committee would be responsible to pay the remainder of a commissioner's contract if they did not complete their four year term. Lee said there would be no obligation to pay the remainder of the contract if there was cause.

Motion was made by Scott Paxman, seconded by Ivan Ray and passed, appointing E. Blaine Johnson as the Weber River Commissioner for another four year term.

**IV  
HEARING THE 2003 FINANCIAL REPORT**

Lee Sim distributed copies of the 2004 financial report. He made particular mention to an error on the report. The error is with the budgeted expenditures and the special expenditures. Lee explained the report in detail and stated all expenditures were within the total budget.

**V  
REVIEWING DELINQUENT ASSESSMENT ACCOUNTS**

Lee Sim then reviewed the delinquent assessments. He stated the delinquencies are slightly higher than last year. Lee stated if the present legislation concerning water rights and the state engineer is adopted, it would assist with these delinquencies. Discussion followed.

Motion was made by Keith Steed, seconded by Ivan Ray and passed, adopting the 2004 Financial Report as presented.

**VI  
PREPARING A BUDGET OF SALARIES  
AND OTHER NECESSARY EXPENSES**

Chairman Osguthorpe asked the Secretary to present the Proposed Budget for 2005. Sherrie explained the proposed budget for 2004 reflects the following changes, as approved at our last meeting:

- 1) A salary increase of 2.7% for the Commissioner and all deputies.
- 2) Increase auto expense from \$0.36 per mile to \$0.40 per mile (a 10% increase).
- 3) Downsize the Weber County Deputy salary from \$7,690 to \$3,000 (before cost of living adjustment).
- 4) Adjust Weber County Deputy mileage allowance from \$2,382 to \$1,200 (before mileage allowance adjustment).
- 5) Increase Commissioner salary by \$1,000 for Park City and \$2,000 for rest of rivers.
- 6) Include cost of gauging stations operations as imposed by State Engineer last year \$6,100) – two on the Weber River and one on the Ogden River.

**VII  
SETTING THE DISTRIBUTION SYSTEM ASSESSMENT**

Lee Sim reported the Weber River Distribution System currently assesses a minimum assessment of \$5. Lee stated this has been the minimum for probably 20 years. He stated some distribution systems charge a minimum of anywhere from \$5 to \$25. Lee reported on the Weber system there are 394 accounts, and 52 of them are only paying \$5. Chairman Osguthorpe replied it would seem reasonable that a \$20 minimum assessment be considered since it hasn't been increased in over 20 years. After further discussion, motion was made by Dee Waldron, seconded by Dave Humphreys and passed, authorizing the minimum Weber River system assessment be increased from \$5 to \$20.

Motion was made by Dennis Wright, seconded by Theo Cox and passed, accepting the 2005 Budget as presented, as to form, and accepting the State's administration assessment of approximately 7 ½ % of last year's budget total.

**VIII  
REVIEW DISTRIBUTION SYSTEM CHAIRMAN AND COMMITTEE MEMBERS**

Chairman Osguthorpe stated the next order of business was the election of committeemen whose terms expire. He reported that at an earlier meeting the Committee appointed Scott Paxman as one of the representatives for District #3. Chairman Osguthorpe further reported that the committee approved retaining the following committeemen to three year terms: Dennis Marchant, Stephen Osguthorpe, Scott Paxman and Ed Sorenson.

**IX  
OTHER BUSINESS**

Lee Sim distributed copies of proposed legislation. He said HB29 is a housekeeping bill to pave the way for two other bills, and HB38 addresses criminal penalties for water rights violations. Lee referred to a third bill that is not yet numbered. This bill adds authority to the State Engineer. Lee updated the Committee members on the content of the three bills. Further discussion continued. Lee concluded by stating the state engineer feels strong that there should be consequences for illegally taking a water rights.

**X  
ADJOURNMENT**

There being no further business to come before the meeting, the same was adjourned at 2:30 p.m.

/s/ Sherrie Mobley, Secretary